

REMARKS

Response to Amendment

Applicant notes the withdrawal of the previous objections to the specification and claims and of the rejection under 35 U.S.C. § 112, second paragraph.

Applicant also notes the following Examiner's statement:

Therefore, claims 2-12 are rejected in the same ground rejections as set forth in the office action mailed 8/17/07.

Thus, to avoid burdening the record, Applicant hereby **incorporates by reference** Applicant's still valid arguments presented in the Amendment filed on November 21, 2007, and directs this Request for Reconsideration to the four (4) points appearing in the final Office Action under "Response to Arguments".

Claim Rejections - 35 U.S.C. § 103

(1) Claims 2-10 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Duchon '854 in view of Oscarsson '496; and

(2) Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Duchon '854 in view of Houde '904.

Applicant respectfully **traverses** these rejections and respectfully requests **reconsideration and withdrawal** thereof.

Applicant uses the same points found in the Examiner's "Response to Arguments".

1) Concerning point 1 about the "diagonal passage 376" disclosed in DUCHON.

Applicant admits that, in Figure 7D, this "diagonal passage 376" is delimited both by the slide 362 and by walls of the chamber in the distributor 26.

However, in this **Figure 7D**, the diagonal passage 376 is **not** fluid circulating. In other words, this diagonal passage 376 enables to circulate a fluid only in **Figures 7A, 7B and 7C**, but in these configurations, this diagonal passage is delimited **only** by slide 362.

Consequently, this diagonal passage 376 **cannot** constitute a "compartment" as defined in claim 12, because, as recited in the two "wherein" clauses at the end of this claim, the "compartment (126)" according to the claimed invention is used **for "fluid circulating"**. In other words, the two fluid circulations specified in the end of claim 12 are in a passage which is formed both into the slide (112) and with walls of the internal chamber (62) of the distributor (32). This passage (called "*compartment*" in claim 12) does not correspond to the "diagonal passage 376" disclosed in **DUCHON**, because **DUCHON's** "diagonal passage" can connect the tube/port 84 with the tube/port 82 only in a strictly fit way.

2) Concerning point 2, in DUCHON the flush fluid provided by the tubing 42 circulates directly in the pressure measurement tube 82, as clearly shown in Figures 2A to 2G.

Consequently, flushing the pressure measurement line 90+92 is realized by the flush fluid coming from the tubing/line 42, without circulating in a part of the chamber delimited in distributor 26.

Thus, in Figures 2A to 2G, the flush fluid in the tubing/line 42 can circulate in a part of the chamber of distributor 26, **but not for flushing the pressure measurement line 90+92.**

To the **contrary**, the pressure measuring and the flushing by the device according to the claimed invention are improved because, in the two configurations specified in the two "wherein" clauses at the end of claim 12, the flush fluid circulates in the "compartment (126)", which facilitates and homogenizes the fluid circulation between the different separate "tubes" that are in connection via this compartment as a function of the position of the slide (112).

3) Applicant notes the Examiner's technical comments in point **3**.

However, Applicant respectfully requests the Examiner to carefully reconsider Applicant's previous argument concerning the **non**-relevance and nonobviousness of the combination of **DUCHON** and **OSCARSSON** '486 for a man ordinarily skilled in the art (as explained from the middle of page 11 to the middle of page 12 in the Amendment filed November 21, 2007).

Applicant notes the Examiner's explanation of why he thinks that such a combination of **DUCHON** and **OSCARSSON** **would** lead (and not **could** lead) a man ordinarily skilled in the art to obtain a distribution device as defined in claim 12.

4) Concerning point **4**, the Examiner admits that **OSCARSSON** does not disclose two separate tubes opening in an internal chamber of the distributor A, respectively for the flushing and the pressure measuring.

At the same time, the Examiner asserts that such a limitation is disclosed in **DUCHON**. For this purpose, he states, "*Please see rejection above*".

However, on page 3, lines 7 to 11 of the Office Action, the Examiner admits that **DUCHON** does not explicitly disclose such a limitation. To the contrary, the Examiner considers that a corresponding feature is "*only routine skill in the art*".

Applicant must respectfully disagree with the Examiner: neither **DUCHON** nor **OSCARSSON** provides explicitly two separate tubes opening in an internal chamber of a distributor, respectively for the flushing and the pressure measuring. In other words, Applicant submits that the Examiner's dismissal of the involved feature as requiring "only routine skill in the art" is conclusory, is not well-taken, and is not supported by any evidence.

On the **contrary**, thanks to the claimed invention (claim 12), the fabrication of the distributor body according to the invention is facilitated because the flush tube (68) and the pressure measurement tube (66) extend independently from each other up to the chamber (62) of the distributor body (32B).

* * *

Thus, and for the reasons presented above for the allowability of claim 12, Applicant respectfully requests the Examiner **carefully** to reconsider (and to withdraw) the two rejections under 35 U.S.C. § 103(a), and to find the application to be in condition for allowance with all of claims 2-12. (As for claim 11 (11/12), it inherits all of the limitations of the distribution device defined in claim 12, whereby claim 11 should be patentable for the same reason that its parent claim 12 is allowable. Specifically, Houde '904 does not make up for the above-described deficiencies in **DUCHON's** disclosure. Thus, even if, for some reason, **DUCHON** were modified "with a feed line connected with flexible conduit" as proposed by the Examiner, there would not

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be produced the subject matter of claim 11, or subject matter which would have rendered claim 11 obvious.)

REQUEST FOR INTERVIEW

However, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application.

In particular, since Applicant sincerely believes that the invention defined in parent claim 12 is quite different from, and would not have been obvious over, the prior art applied by the Examiner, Applicant would like the opportunity to discuss with the Examiner any claim amendments which the Examiner may feel are necessary patentably to define the disclosed invention over the prior art.

Applicant files concurrently herewith a Notice of Appeal (with fee) to maintain pendency of the application until the Examiner has had the opportunity to study this Request for Reconsideration.

Applicant also files concurrently herewith a Petition (with fee) for an Extension of Time of three months. Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be

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charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,

/John H. Mion/

John H. Mion
Registration No. 18,879

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
(202) 663-7901

WASHINGTON OFFICE

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